<p style="text-align:center">IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS</p>

BRANDON L. BROOKS,

Plaintiff,

v.

CARBONDALE POLICE DEPARTMENT, et al.,

Defendant.   No. 07-846-DRH

<p style="text-align:center">ORDER</p>

HERNDON, Chief Judge:

This matter is before the Court for case management purposes. Plaintiff Brandon L. Brooks brought this action pursuant to **42 U.S.C. § 1983** alleging false arrest and use of excessive force in effecting his arrest against Defendants Carbondale Police Department, a police officer identified as "Officer Boyd" and an unidentified female police officer (Doc. 7). On June 2, 2008, this Court dismissed Plaintiff's claims against the Carbondale Police Department, but allowed Plaintiff to proceed against "Officer Boyd" and the unidentified female police officer (Doc. 7). The Court ordered Plaintiff to submit a USM-285 form by July 2, 2008 so that Defendant Boyd could be served. To date, Plaintiff has failed to submit the USM-285 form. On May 28, 2009, Magistrate Judge Wilkerson entered an Order requiring Plaintiff to show cause why his complaint should not be dismissed for failure to prosecute because of an eleven month delay caused by Plaintiff's failure to submit a USM-285 form for Defendant Boyd. Plaintiff was instructed to submit a response by June 19, 2009. The Clerk's office sent a copy of Magistrate Judge Wilkerson's Order

to the address originally provided by Plaintiff.[1] Plaintiff has failed to respond to Judge Wilkerson's May 28, 2009 Order.

A district court has inherent power to dismiss *sua sponte* an action for failure to prosecute under **FEDERAL RULE OF CIVIL PROCEDURE 41(b)** as part of its authority to control its docket "to achieve the orderly and expeditious disposition of cases." ***James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005) (quoting *Link v. Wabash R.R.Co.*, 370 U.S. 626, 630-31, 82 S. Ct. 1386 (1962)); *see also Williams v. Chicago Bd. Of Educ.*, 155 F.3d 853, 857 (7th Cir. 1998).** Here, Plaintiff has failed to file the required USM-285 form for over a year. He has also failed to respond to Magistrate Judge Wilkerson's Order requiring Plaintiff to show cause why Plaintiff's case should not be dismissed for failure to prosecute due to his failure to file the required form.

Further, Plaintiff has failed to provide the Court with a current address as part of his ongoing obligation to the Court. Plaintiff originally listed his address as: 1318 Meadowbrook Lane, Carbondale, Illinois 62901. In a subsequent lawsuit filed by Plaintiff, he listed his address as the Menard Correctional Center, although he failed to inform the Court of his change in address. However, Plaintiff was paroled on May 8, 2009. (*See* Illinois Department of Corrections,

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[1] In a subsequent case filed by Plaintiff, Brooks listed his address as Menard Correctional Center. *See Brooks v. Jackson County*, **Civil No. 09-072-GPM (S.D. Ill)**. In that case, District Judge G. Patrick Murphy noted that Brooks had provided the Court with a different address in the above-mentioned case and reminded Plaintiff of his ongoing obligation to keep the Court informed of his current address. Further, Plaintiff was instructed to inform the Court of his current address. He failed to do so. A search of IDOC records shows that Plaintiff was housed at Menard Correctional Center, but that he was paroled on May 8, 2009.

http://www.idoc.state.il.us/)

Although Plaintiff is obligated to keep the Court informed of his proper mailing address, Plaintiff has continually failed to provide the Court with a current address. Plaintiff's current whereabouts are unknown, although mail, including Judge Wilkerson's May 28, 2009 Order, sent to the original address provided by Plaintiff has not been returned as undeliverable. Therefore, the Court **DISMISSES without prejudice** Plaintiff's complaint for failure to prosecute pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 41(b)**. The Court will close the file.

IT IS SO ORDERED.

Signed this 24th day of June, 2009.

/s/   *David R Herndon*

Chief Judge
United States District Court